

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GEORGE IVERSON, Individually,

Plaintiff,

v.

COPLEY PLAZA 2001 LLC, a Delaware
Limited Liability Company

Defendant.

C.A. No. 04cv12076JLT

JOINT MOTION TO EXTEND DISCOVERY AND SCHEDULING CONFERENCE

Pursuant to Federal Rules of Civil Procedure 7(b), Defendant, COPLEY PLAZA 2001 LLC, and Plaintiff, GEORGE IVERSON move this Court to grant an extension of time for parties to complete discovery, through and including March 15, 2005, and to reschedule the Scheduling Conference as deemed appropriate by the Court, based upon the following facts:

1. On December 8, 2004 Plaintiff, with the assent of Defendant, conducted a Rule 35(b) inspection of Defendant's property, the Fairmont Copley Plaza Hotel, in order to inspect the premises relative to alleged violations of the American with Disabilities Act (ADA) 42 U.S.C. 12181, *et seq.*
2. Plaintiff's expert, William J. Norkunas, president and CEO of ADA Help Inc., conducted said inspection. At the completion of said inspection, Mr. Norkunas informed the parties that he would compile a comprehensive report of his finding and submit said report to the parties at the end of January 2005.

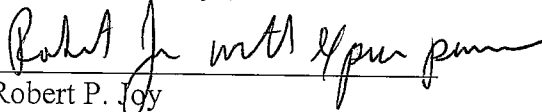
3. On December 9, 2004, the Court issued his discovery order stating that parties must complete discovery on or before December 27, 2004. On December 9, 2004, the Court also issued a notice of a scheduling conference to be held on January 4, 2005 at 10:00 a.m.
4. When Plaintiff's expert issues the report of his inspection, it will likely narrow the issues for which discovery may be needed and possible lead to a resolution of the case.

WHEREFORE, the Defendant and Plaintiff respectfully request that this court extend the time for discovery, through and including March 15, 2005 and also reschedule the Scheduling Conference as deemed appropriate by the court.

Respectfully submitted,

COPLEY PLAZA 2001, LIMITED LIABILITY CORPORATION,

By their Attorneys,



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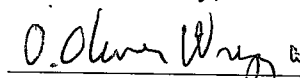
(617) 523-6666

Date: 12/17/04

and

GEORGE IVERSON

By his Attorney,



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